

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE,  
SPRING VALLEY BRANCH; JULIO  
CLERVEAUX, CHEVON DOS REIS; ERIC  
GOODWIN; JOSE VITELIO GREGORIO;  
DOROTHY MILLER; HILLARY MOREAU;  
AND WASHINGTON SANCHEZ,

Plaintiffs,

v.

EAST RAMAPO CENTRAL SCHOOL  
DISTRICT AND MARYELLEN ELIA, IN  
HER CAPACITY AS THE  
COMMISSIONER OF EDUCATION OF  
THE STATE OF NEW YORK,

Defendants.

17 Civ. 8943 (CS) (JCM)

**ORAL ARGUMENT  
REQUESTED**

**NOTICE OF MOTION FOR SANCTIONS**

PLEASE TAKE NOTICE that upon the annexed Declaration of Claudia T. Salomon, and upon the separately bound Memorandum of Law, dated February 17, 2020, the undersigned, on behalf of Plaintiffs, hereby move this Court before the Honorable Cathy Seibel, United States District Judge, in Courtroom 621 of the United States Courthouse for the Southern District of New York, 300 Quarropas Street, White Plains, New York 10601, for an order imposing sanctions, pursuant to FED. R. CIV. P. 37 and the Court's inherent authority, against Defendant, the East Ramapo Central School District (the "District"), for spoliation of electronically stored information and failure to comply with this Court's multiple orders compelling document production from non-party members of the District's Board of Education (the "Board"), Mark

Berkowitz, Bernard Charles Jr., Joel Freilich, Pierre Germain, Harry Grossman, Jacob Lefkowitz, Yonah Rothman, Yehuda Weissmandl, and Aron Wieder (the “Board Members”).

Dated: February 17, 2020  
White Plains, New York

Respectfully submitted,

/s/ Claudia T. Salomon  
Claudia T. Salomon  
Corey A. Calabrese  
Claudia.Salomon@lw.com  
Corey.Calabrese@lw.com  
Latham & Watkins LLP  
885 Third Avenue  
New York, NY 10022  
Phone: (212) 906-1200

Marc Zubick  
Russell Mangas (*admitted pro hac vice*)  
Marc.Zubick@lw.com  
Russell.Mangas@lw.com  
Latham & Watkins LLP  
330 N. Wabash Avenue  
Chicago, IL 60601  
Phone: (312) 876-7600

Andrew B. Clubok  
Andrew.Clubok@lw.com  
Latham & Watkins LLP  
555 Eleventh Street, NW  
Suite 1000  
Washington, D.C. 20004  
Phone: (202) 637-2200

Arthur Eisenberg  
Perry Grossman  
aeisenberg@nyclu.org  
pgrossman@nyclu.org  
New York Civil Liberties Union Foundation  
125 Broad Street  
New York, NY 10004  
Phone: (212) 607-3329

*Attorneys for Plaintiffs*